**Discrimination in import Policy for Small Scale sector**

3688. SHRI CHIMANBHAI MEHTA:
SHRI ANANTRAY DEVSHANKER DAVE:
SHRIMATI RENUKA CHOWDHURY:
SHRI G. G. SWELL:
SHRI SARADA MOHANTY:

Will the Minister of COMMERCE be pleased to state:

(a) whether it has been decided not to allow items being produced in the country under the reservation policy for the small scale sector;

(b) if so, why not apply this decision to middle and big sector;

(c) whether our medium and big industries are not producing quality goods at competitive price at inter national level ;

(d) why not boost local industries without discrimination and consider their intermediate inputs as deemed exports if they are on pa r with international standards; and

(e) if so, the details about one dozen major items permitted to be imported in our country ?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED): (a) and (b) Under the current liberalised Export and Import Policy, all items may be imported freely except to the extent they are regulated by the Negative List of Imports or any other provision of this Policy. Only a few items relating to the small scale sector are covered by the Negative List of imports and their mport is estricted.

(c) Recent trends in the Indian industry have shown that many manufacturers have acquired the ISO 9000 (Series) quality certification which reflects the quality of Indian products at international level.

(d) Procurements of imports from indigenous sources is already being encouraged with deemed exports status by the holders of licences under the Duty Exemption Scheme.

(e) Major items of import are petroleum and petroleum products, machinery and machine tools, organic chemicals, inorganic chemicals, fertilizers, artificial resins, pearls, precious and semi-precious stones, iron and steel, transport equipment, project goods, professional instruments, optical goods and non-ferrous metals.

**Plant variety protection under GATT**

3689. SHRI ANANTRAY DEVSHANKER DAVE:
SHRI G. G. SWELL:
SHRI SARADA MOHANTY:
SHRIMATI RENUKA CHOWDHURY:

Will the Minister of COMMERCE be pleased to state:

(a) what is the main difference between 1978 version of UPOV and 1991;

(b) what is the Sui Generis system in UPOV 1978 and 1991;

(c) whether a farmer having bought the protected seed by the patents would be able to keep back a part of the harvested material to be used for sowing in successive crops under UPOV 1978 or 1991;

(d) what are the details of plant variety protection; and

(e) whether GATT would apply to UPOV versions of 1978 or 1991 or both ?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED): (a) to (e) The UPOV Convention lay down minimum standards of protection that national systems should accord. There are two main versions of this Convention—UPOV 1978 which is presently in force and UPOV 1991 which contains significantly higher standards of protection but has not yet come into force. Under UPOV 1978 the breeders' prior authorisation shall be required for the production for purposes of commercial marketing, the offering for sale and the marketing of reproductive material of the protected variety. The period of protection is not less than 15 years for plant varieties in general and not less than 18 years for vines, forest trees, fruit trees and ornamental trees. In UPOV 1991, on the other hand, the scope of protection extends to the:

(i) production or reproduction (multiplication)

(ii) conditioning for the purpose of propagation

(iii) offering for sale,

(iv) selling or other marketing,

(v) exporting,

(vi) importing,

(vii) stocking for any of the purposes mentioned in (i) to (vi) above, of the protected varieties.

However, the breeders' right shall not extend to:

(i) acts done privately and for non-commercial purposes,

(ii) acts done for experimental purposes,

(iii) acts done for the purpose of breeding other varieties,

(iv) the breeders' right may be restricted to permit farmers to use for propagating purposes on their own holdings, the product of the harvest which they have obtained by planting on their own holdings.

The period of protection is not less than 20 years for plant varieties in general and 25 years for vines etc.

It will be permissible to allow farmers to retain seed of the protected variety from their own harvest for further sowing on their land.

The TRIPS Agreement allows Member countries to exclude plant varieties from patent protection. It does, however, require Members who do this to protect plant varieties by "an effective sui generis system" (i.e. an effective special form of protection). The TRIPS text does not refer to UPOV as such. Countries have thus been left with greater flexibility in meeting the obligations in this area than would have been entailed by a specific reference to UPOV.

**Imports under duty free licences**

3690. SHRI ANANTRAY DEVSHANKER DAVE:
SHRI G. G. SWELL:
SHRI SARADA MOHANTY:

Will the Minister of COMMERCE be pleased to state:

(a) what are the reasons for not making permissible specific imports under the duty free licence;